

REMARKS

Claims 1-12 were pending in the present application before this amendment as set forth above. By the amendment, claim 9 is amended.

The March 16, 2009 Office Communication indicated the present application contained claims directed to the following inventions: Group I, Claims 1-8 and 11 and 12 drawn to a method of time charging, and Group II, Claims 9 and 10, drawn to a method of network managing. Invention Group I and Group II are related as subcombination disclosed as usable together in a single combination. Applicant was required under 35 USC 121 to elect a single invention for prosecution.

Applicant appreciates very much the Examiner's careful review of the instant application.

In response, as set forth above, claim 9 has been amended for better form.

Support for the amendments can be found in the disclosure as originally filed. Thus, no new matter is added.

Without acquiescing to the Examiner's assertion, which applicants do not agree, and in order to facilitate the prosecution, applicant hereby elects *with traverse* the claims of invention Group I, i.e., claims 1-8 and 11 and 12, for prosecution in the instant application. Applicant further respectfully requests claims 9 and 10 of invention Group II be examined together with elected claims 1-8 and 11 and 12 of invention Group I at least for the reasons below:

As set forth above, claim 9 has been amended to recite a method of time charging to DHCP online users in a broadband access server that requires the step of "setting an inner time interval, an outer time interval and a flow threshold in the broadband access server, the inner time interval being shorter than the outer time interval". Accordingly, amended claim 9 defines how the access server processes the time charging in implementing the method of time charging to DHCP online users in a broadband access server, as defined in claim 1. Thus, The invention Groups I and II are closely related, and at least have the following same or corresponding special technical features: "setting an inner time, an outer time and a flow threshold for counting data flow of users in the broadband access server, and the inner time being shorter than the outer time", "establishing a circular link list to each user for recording data flow of the user in the access server" and "detecting data flow of the user according to the inner time in the access server".

Therefore, applicant respectfully submits that claims 1-8 and 11 and 12 of invention Group I and claims 9 and 10 of invention Group II define the same characteristic of a single disclosed embodiment of an invention, with different definitions of the same disclosed subject matter. Accordingly, the inventions are not distinct and a requirement for restriction must not be made or maintained, even if the subcombination has separate utility. (See, MPEP 806.05(c).)

Applicant believes that claims 1-8 and 11 and 12 of invention Group I, claims 9 and 10 of invention Group II are not directed to patentably distinct inventions as the Examiner asserted and searching the method recited claims 1-8 and 11 and 12 of invention Group I with the method claimed in claims 9 and 10 of invention Group II does not impose a serious burden on the Office. Therefore, Applicant respectfully requests claims 9 and 10 of invention Group II be examined with elected claims 1-8 and 11 and 12 of invention Group I together.


Examination on the merits is therefore respectfully requested and this Application is believed to be in condition for allowance, and such action is earnestly solicited.

If the Examiner has any questions concerning this Response or the Application in general, the Primary Examiner is requested to contact the undersigned at 404-495-3678.

Respectfully submitted,

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